

#3



COPY OF PAPERS
ORIGINALLY FILED

ENSEMB.038A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Arviv et al.)	Group Art Unit 2681
)	
Appl. No.	:	09/938,216)	
)	
Filed	:	August 24, 2001)	
)	
For	:	ASYMMETRIC ADAPTIVE)	
		MODULATION IN A)	
		WIRELESS COMMUNICATION)	
		SYSTEM)	
)	
Examiner	:	Unknown		

STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NON-SIGNING
INVENTORS (37 CFR §1.47)

This statement is made as to the exact facts that are relied upon to establish the diligent effort to secure the execution of the declaration by the non-signing inventors for the above-identified patent application.

This statement is being made by the available person having first-hand knowledge of the facts recited herein. The last known addresses of each of the non-signing inventors are set forth below:

1. Eli Arviv, 25/4 Emek Ayalon Street, Modiein, 71700 Israel
2. Penny Efraim, Moshar Nevation 59, 71700 Israel

In July the Ensemble Communications IL Ltd. Office was downsized to about seven employees. On October 24, 2001, I sent an email to Ms. Limor Helman of our Ensemble Communications IL Ltd., office to request addresses of former employees and her address for transmitting the documents for signature by Penny Efraim, Ofer Zimmerman and Eli Arviv (copy attached as Exhibit A). A second request was sent on November 20, 2001 (copy attached as Exhibit B). On November 20, 2001 Ms. Helman provided me with only her address (copy attached as Exhibit B).

On October 24, 2001 I sent an email to Mr. Zimmerman asking him to confirm his address and provide me with his phone number (copy attached as Exhibit C). On October 26, 2001 I received a response to my October 24, 2001 email confirming the address is correct and

Appl. No. : 09/938,216
Filed : August 24, 2001

providing me with a phone number (copy attached as Exhibit C). On October 29, 2001, I forwarded via Federal Express a copy of the declaration and the application as filed to Ofer Zimmerman at the address identified above.

On October 29, 2001, I forwarded a copy of the declaration and the application as filed to Eli Arviv at the address listed above. I have received no response from Mr. Arviv.

Mr. Arviv subsequently transmitted an e-mail to me noting that he was no longer an employee of the company and asking whether he would receive compensation for signing the declaration. I informed him that he would not and I have had no subsequent contact from Mr. Arviv (copies of these email communications are attached as Exhibit D).

On December 20, 2001 I forwarded a copy of the declaration again to Eli Arviv and Ofer Zimmerman via Federal Express (copies of the cover letters are attached as Exhibit E). Also, on December 20, 2001 I forwarded a copy of the declaration and the application as filed to Penny Efraim at the address identified above via Federal Express (a copy of the transmittal letter is attached as Exhibit F).

I have received no response from Eli Arviv. I received a signed copy of the declaration from Ofer Zimmerman on or about January 15, 2002. Federal Express informed me that the package could not be delivered to Penny Efraim because insufficient address.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. Further, these statements were made with the knowledge that willful false statements in the likes so made are punishable by fine or imprisonment, or both, under §1001 of title 18 of the United States code and that such willful, false statements may jeopardize the validity of the application or any patent issue thereon.

Dated: 1-24-02

By: 

Ruth O. Stoffel

Senior Contracts/Legal Affairs Analyst

EXHIBIT A

Ruth Stoffel

From: Ruth Stoffel
Sent: Wednesday, September 24, 2008 11:15 AM
To: Limor Helman
Subject: Address

Limor,

Will you please send me your address. I have some docs to send to you. Is Ofer still around?

Is there any way I can get home addresses for some Israel Inventors? I can give you a list of those I need.

Thanks for your help.

s/Ruth O. Stoffel
Senior Contracts/Legal
Affairs Analyst
Ensemble Communications Inc.
9890 Towne Centre Drive
San Diego, CA 92121
Phone: 858-404-5299
Fax: 858-458-1401
Ruth@ensemblecom.com

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EXHIBIT B

Ruth Stoffel

From: [REDACTED] limorhellman@hotmail.com]
Sent: Tuesday, November 20, 2001 1:20 PM
To: rstoffel@ensemblecom.com
Subject: Re: Hello

Hi Ruth,
In case you want to send me the package than my address is Limor
Hellman, 21
hadas st., Oranit 44813, Israel.
In case you want to send any direct packages to former employees than
please
use the permanent address they gave on the option agreement docs.

Best Regards,
limor

>From: [REDACTED] rstoffel@ensemble.com>
>To: "'limorhellman@hotmail.com'" <limorhellman@hotmail.com>
>Subject: Hello
>Date: Tue, 20 Nov 2001 11:20:00 -0800
>

>Hi Limor...

>We need to get some packages out to you and need a mailing address.

Please

>send me your mailing address. Or, better yet please send me the
addresses

>for the Israel employees.

>

>Thanks.

>

>s/Ruth O. Stoffel

>Senior Contracts/Legal

>Affairs Analyst

>Ensemble Communications Inc.

>9890 Towne Centre Drive

>San Diego, CA 92121

>Phone: 858-404-5299

>Fax: 858-458-1401

>Ruth@ensemblecom.com

>

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>

>

>

>

EXHIBIT C

Ruth Stoffel

From: [REDACTED]
Sent: Friday, [REDACTED] 10:03 AM
To: Ruth Stoffel
Subject: RE: Phone #

Ruth,

My home phone is 972-8-9723270
Cell phone: 972-53299372

Thanks Ofer

-----Original Message-----

From: [REDACTED]
Sent: Wednesday, October 20, 2010 11:02 AM
To: [REDACTED]
Subject: Phone #

Ofer, Will you please send me your phone number. I will need it when sending docs to your home via fed exp. I have the following as your home address:

Helmonit st 6/2
Modin Israel 71700
Israel

Best of luck to you..

s/Ruth O. Stoffel
Senior Contracts/Legal
Affairs Analyst
Ensemble Communications Inc.
9890 Towne Centre Drive
San Diego, CA 92121
Phone: 858-404-5299
Fax: 858-458-1401
Ruth@ensemblecom.com

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EXHIBIT D

ENSEMB.038

Ruth Stoffel

From: Ruth Stoffel
Sent: Tuesday, October 30, 2001 9:35 AM
To: 'Serok,Amir'
Subject: RE: A FedEx envelope

Hi Amir,

These are older filed applications for which bonuses have already been paid out – not new filings. However, you must be an employee to receive the bonus.
Does this answer your question?

s/Ruth

-----Original Message-----

From: Serok,Amir [mailto:amir.serok@terayon.com]
Sent: Tuesday, October 30, 2001 9:21 AM
To: 'Ruth Stoffel'
Subject: RE: A FedEx envelope

As an ex-employee,
do I still get the patent bonus ?

-----Original Message-----

From: Ruth Stoffel [mailto:rstoffel@ensemble.com]
Sent: Tuesday, October 30, 2001 7:17 PM
To: 'Serok,Amir'
Subject: RE: A FedEx envelope

Hi Amir,

Yes I know you are no longer an employee. However, you are still listed as an inventor on some of the patent applications. We need inventor signatures on some of the formal documents which are filed with the applications.

Will you be able to sign these and return them to me?

s/Ruth

-----Original Message-----

From: Serok,Amir [mailto:amir.serok@terayon.com]
Sent: Tuesday, October 30, 2001 9:11 AM
To: 'Ruth Stoffel'
Subject: RE: A FedEx envelope

Ruth,
I am not an employee of the company any more.
Amir

-----Original Message-----

From: Ruth Stoffel [mailto:rstoffel@ensemble.com]
Sent: Tuesday, October 30, 2001 7:08 PM
To: 'Serok,Amir'
Subject: RE: A FedEx envelope

Hi Amir,

It is actually a patent document which requires your signature.

Please sign it and return to me. I included a return Fed Exp awb for your use.

If you have any questions please send me an email. I will have other documents off and on to send to you.

Thanks.

s/Ruth

-----Original Message-----

From: Serok,Amir [mailto:amir.serok@terayon.com]
Sent: Tuesday, October 30, 2001 9:05 AM
To: 'Kay Mancuso'; Serok,Amir
Cc: Ruth Stoffel
Subject: RE: A FedEx envelope

Kay,
Thanks

-----Original Message-----

From: Kay Mancuso [mailto:kay@ensemble.com]
Sent: Tuesday, October 30, 2001 7:00 PM
To: 'Serok,Amir'
Cc: Ruth Stoffel
Subject: RE: A FedEx envelope

Good Day Amir,

I sent the envelope, however it is from Ruth O. Stoffel. I do not know the exact contents, but it is probably stock option paperwork or some other type of company information.

Ruth, would you confirm with Amir what the envelope contains.

Best regards,
Kay

-----Original Message-----

From: Serok, Amir [mailto:amir.serok@terayon.com]

Sent: Tuesday, October 30, 2001 8:55 AM

To: 'kay@ensemble.com'

Subject: A FedEx envelope

Hi Kay,

My name is Amir Serok.

I was an Ensemble employee in the Israeli office.

I received today to my home a FedEx envelope with your name on it.

Did you send me this envelope ?

What is the content of it ?

thanks,

Amir Serok

Ruth Stoffel

From: Kay Mancuso
Sent: Monday, October 29, 2001 9:39 AM
To: Ruth Stoffel
Subject: RE: fed exp packages

The tracking numbers for Israel shipments are:

Ofer FedEx AB# 7909 6823 6093

ENSEMBLE 038A Declaration to

Amir FedEx AB# 7909 6823 6792

Eli FedEx AB# 7916 8850 2233

ENSEMBLE 038A

Kay

-----Original Message-----

From: Ruth Stoffel
Sent: Monday, October 29, 2001 9:26 AM
To: Kay Mancuso
Subject: FW: fed exp packages

Pinn

Kay, I accidentally sent this to T.J. Can you help me with this?

Sorry TJ.

S/Ruth

-----Original Message-----

From: TJ Baugus
Sent: Friday, October 26, 2001 5:32 PM
To: Ruth Stoffel
Subject: RE: fed exp packages

Would shipping have that info.?

-----Original Message-----

From: Ruth Stoffel
Sent: Friday, October 26, 2001 3:45 PM
To: TJ Baugus
Subject: fed exp packages

TJ:

Can I get the awb #'s for the three packages I sent yesterday? I need some record that I sent the docs.

s/Ruth

EXHIBIT E

ENSEMBLE
COMMUNICATIONS

VIA FED EXP

7902 - 5536 - 7946 on
12/20/01

Ensemble Communications Inc.

December 14, 2001

9890 Towne Centre Drive

Ofer Zimmerman
Helmonit 6/2
Modiin, Israel 71700

Re: ASYMMETRIC ADAPTIVE MODULATION IN A WIRELESS
COMMUNICATION SYSTEM ENSEMB.038A

S a n D i e g o

Dear Ofer,

I previously sent you an Assignment and Declaration for your signature for the above application. You should already have a copy of the application, but if you would like another copy please send me email and I'll be happy to send you another copy.

Please sign and date the Declaration first and then sign the Assignment. You do not need to have your signature notarized.

C A 9 2 1 2 1

Although we would prefer to file all the documents executed by all the inventors we can proceed with the prosecution without your signature.

To facilitate the return of these documents I am enclosing an envelope together with a federal express airway bill.

P h 8 5 8 . 4 5 8 . 1 4 0 0

Thank you in advance for your prompt attention to this matter.

Sincerely,

Ensemble Communications Inc.



Ruth O. Stoffel
Email: ruth@ensemble.com
Phone: 858-404-5299

F a x 8 5 8 . 4 5 8 . 1 4 0 1

www.EnsembleCom.com

ENSEMBLE™
COMMUNICATIONS
VIA FED EXP.

7902 55371239 or 12/20/01

Ensemble Communications Inc.

December 14, 2001

9890 Towne Centre Drive

Eli Arviv
25/4 Emek Ayalon St.
Modiein
Israel 71700

Re: ASYMMETRIC ADAPTIVE MODULATION IN A WIRELESS
COMMUNICATION SYSTEM ENSEMB.038A

S a n D i e g o

Dear Eli,

I previously sent you an Assignment and Declaration for your signature for the above application which was previously sent to you via email. Enclosed is another copy of the application for your review and records.

C A 9 2 1 2 1

Please sign and date the Declaration first and then sign the Assignment. You do not need to have your signature notarized.

As one of the inventors we will require your signature in order to proceed with prosecution of this application. Although we would prefer to file all the documents executed by all the inventors we can proceed with the prosecution without your signature.

P h 8 5 8 . 4 5 8 . 1 4 0 0

To facilitate the return of these documents I am enclosing an envelope together with a federal express airway bill.

Thank you in advance for your prompt attention to this matter.

Sincerely,

Ensemble Communications Inc.

F a x 8 5 8 . 4 5 8 . 1 4 0 1

Ruth O. Stoffel
Email: ruth@ensemble.com
Phone: 858-404-5299

www.EnsembleCom.com

EXHIBIT F

ENSEMBLE™
COMMUNICATIONS

11A FED EXP

7917 3922 2220
on Dec 20, 2001

Ensemble Communications Inc.

December 14, 2001

9890 Towne Centre Drive

Penny Efrain
Moshar Nevation 59
Israel 71700

Re: ASYMMETRIC ADAPTIVE MODULATION IN A WIRELESS
COMMUNICATION SYSTEM ENSEMB.038A

S a n D i e g o

Dear Penny,

Enclosed please find an Assignment and Declaration for your signature for
the above application which was previously sent to you via email.
Enclosed is another copy of the application for your review and records.

Please sign and date the Declaration first and then sign the Assignment.
You do not need to have your signature notarized.

C A 9 2 1 2 1

As one of the inventors we will require your signature in order to proceed
with prosecution of this application.

To facilitate the return of these documents I am enclosing an envelope
together with a federal express airway bill.

Thank you in advance for your prompt attention to this matter.

P h 858.458.1400

Sincerely,

Ensemble Communications Inc.

Ruth O. Stoffel
Email: ruth@ensemble.com
Phone: 858-404-5299

F a x 858.458.1401

www.EnsembleCom.com